

EXHIBIT 2

Clark, Roger
L.C., a minor v. State of California

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

L.C., a minor by and through)
her guardian ad litem Maria)
Cadena, individually and as)
successor-in-interest to)
Hector Puga; I.H., a minor by)
and through his guardian ad)
litem Jasmine Hernandez,)
individually and as)
successor-in-interest to) CASE NO. 5:22-cv-00949-KK
Hector Puga; A.L., a minor by) (SHKx)
and through her guardian ad)
litem Lydia Lopez,)
individually and as)
successor-in-interest to)
Hector Puga; and ANTONIA)
SALAS UBALDO, individually,)
)
Plaintiffs,) ORAL AND VIDEOTAPED
) DEPOSITION OF
vs.) ROGER CLARK
) IN EXPERT CAPACITY
STATE OF CALIFORNIA; COUNTY) VIA WEB VIDEOCONFERENCE
OF SAN BERNARDINO; S.S.C., a) TUESDAY, MARCH 11, 2025
nominal defendant; ISAIAH) VOLUME I
KEE; MICHAEL BLACKWOOD;)
BERNARDO RUBALCAVA; ROBERT)
VACCARI; JAKE ADAMS; and)
DOES 6-10, inclusive,)
)
Defendants.)
)

Volume I of oral and videotaped deposition taken
remotely on behalf of Defendants, commencing at 1:04
p.m. on Tuesday, March 11, 2025 before Erika "Rik"
Rutledge, Certified Shorthand Reporter No. 13774 for the
State of California.

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14 Bernardo Rubalcava:

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35 LEGAL VIDEOGRAPHER:

36 Blake Jones - Dean Jones Legal Videos, Inc.

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15	QUESTIONS NOT ANSWERED		
16	(None)		
17			
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19			
20	INFORMATION REQUESTED		
21	(None)		
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1 REMOTE VIA WEB VIDEOCONFERENCE
2 TUESDAY, MARCH 11, 2025 1:04 P.M.
3 oo00oo
4
13:05:01 5 THE VIDEOGRAPHER: Good morning. This is the
6 video deposition of Roger Clark, taken remotely on
7 Tuesday, March 11th, 2025, in the matter of L.C., et
8 al., versus the State of California, County of San
9 Bernardino, case No. 5:22-CV-00949 KK-(SHKx.)

13:05:49 10 This case is being heard in the United States
11 District Court in the Central District of the State of
12 California.

13 My name is Blake Jones, legal videographer,
14 contracted through Dean Jones Legal Videos, Incorporated
15 of Los Angeles and Santa Ana, California.

16 Because we're not in person, the videographer
17 will have to interrupt the proceedings if the deponent
18 drifts out of frame or should any connectivity issues
19 with Zoom occur.

13:06:02 20 This deposition is commencing at 1:06 p.m.
21 Would all present please identify themselves, beginning
22 with the deponent.

23 THE WITNESS: Roger Clark.

24 MS. GUSTAFSON: Shannon Gustafson for the
13:06:21 25 County defendants. And also just to clarify for the

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1 record, this deposition is also being taken in the
2 consolidated for discovery of Botten, et al. versus
3 State of California, et al., and that case number is
4 5:23-CV-00257-KK-SHK.

13:06:50 5 MS. ESQUIVEL: Diana Esquivel on behalf of the
6 State defendants, appearing from Sacramento.

7 MS. LE: Hang Le on behalf of the plaintiffs in
8 L.C., et al. versus State of California, and on behalf
9 of the plaintiffs in Botten, et al. versus State of
10 California, et al.

11 THE VIDEOGRAPHER: Would the court reporter
12 please administer the oath.

13 THE REPORTER: You do solemnly swear that the
14 testimony you are about to give in this deposition shall
15 be the truth, the whole truth, and nothing but the
16 truth, so help you God?

17 THE WITNESS: I do.

18 THE REPORTER: Thank you.

19 EXAMINATION

20 13:07:23 BY MS. GUSTAFSON:

21 Q Mr. Clark, how many times have you been
22 deposed?

23 A Around 1,400 times. Well, depositions only
24 would be 1,000 times.

25 13:07:35 Q So we can dispense with all the reading of the

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1 A Yes.

2 Q Even though they could not see his waistband
3 any longer?

4 A Yes.

15:36:19 5 Q That no matter what, even though Mr. Puga is in
6 front of the car, they should have let him be there and
7 not gone any further?

8 A Well, how can they? They have to go into this
9 open -- this space between their -- the safety of their
15:36:32 10 vehicles and the front of the SUV, which is -- there's a
11 term for it, it's called the "kill zone," and they would
12 breach that.

13 And they wouldn't. So they know that he has
14 now put himself at a tactical advantage by getting in
15:36:53 15 front of his vehicle. But he's still there. So they'd
16 have to deal with it from their position of cover, not
17 break cover and get up to him.

18 Q So make sure I understood correctly. You would
19 agree with me that once Mr. Puga has moved to the front
15:37:09 20 of the vehicle and is now partially concealed, he is --
21 he does have a tactical advantage?

22 A Exactly. That's -- we commented on that by
23 keeping him in the vehicle.

24 Q And so he's now got a tactical advantage once
15:37:26 25 he's in front of the car; do we agree?

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1 A He opens the door and he's allowed to walk from
2 the open area of the door, when he should be told,
3 "Don't do this," and he should have at least been hit by
4 a 40-millimeter at that point, and now he's allowed to
15:37:42 5 saunter -- my word -- to the front of his vehicle.

6 Q You said "saunter"?

7 A Yes. Walk.

8 Q In your review of the materials, did Mr. Puga
9 move slowly to the front of his vehicle or quickly?

15:37:56 10 A It was not very fast, and he just moved right
11 over to the front of the vehicle, put himself -- now he
12 has placed his vehicle between them, and he's standing
13 in the front. Now he needs to be told robustly and
14 given due notice --

15:38:22 15 Q So I want to make sure --

16 A -- that, You have done a bad thing. And they
17 let him do this.

18 Q I just want to get an answer to my question,
19 because you added a bunch of stuff here, and I want to
15:38:33 20 make sure we're in agreement.

21 Once Mr. Puga has moved to the front of his
22 vehicle, does he have a tactical advantage -- yes or no?

23 A I think I just said at least twice he now has a
24 tactical advantage. They have squandered their --

15:38:49 25 Q Mr. Clark, that's the problem. I want an

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1 answer to my question and you want to give this big old
2 long explanation, but I would like my question answered,
3 and you're not answering. You're being nonresponsive if
4 we were in court.

15:39:03 5 MS. LE: I think he's trying to answer the
6 question. Can you just let him finish the question
7 [sic]. He's trying to answer your entire question, and
8 if you would let him finish the answer, he might be
9 answering your question.

15:39:11 10 BY MS. GUSTAFSON:

11 Q My question is only, it's a very narrow
12 question. Was Mr. Puga at a tactical advantage once he
13 was in front of his vehicle -- yes or no?

14 A Well, to accommodate the request, he was at a
15 tactical advantage, which was allowed.

16 Q See, there we go, you're adding onto my
17 question again.

18 MS. GUSTAFSON: I will object as nonresponsive
19 and move to strike the answer.

15:39:44 20 THE WITNESS: Well, read the first sentence of
21 that Opinion 6 and you'll see it's there.

22 BY MS. GUSTAFSON:

23 Q I just want an answer. Do you agree with me --
24 and it's a yes-or-no question.

15:39:57 25 Was Mr. Puga at a tactical advantage once he

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1 STATE OF CALIFORNIA)
2) ss.
3 COUNTY OF ORANGE)
4
5 I, Erika "Rik" Rutledge, Certified
6 Shorthand Reporter, Certificate No. 13774, for the State
7 of California, hereby certify:
8
9 I am the deposition officer that
10 stenographically recorded the testimony in the foregoing
deposition;

11 Prior to being examined, the deponent was
12 by me first duly sworn;

13 The foregoing transcript is a true and
14 accurate record of the testimony given.

15
16 Dated: April 1, 2025

17
18 
19

20 Erika "Rik" Rutledge
21
22
23
24
25

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1 DEPOSITION ERRATA SHEET

2

3 Jilio-Ryan Job No.: 134476

4 Case Caption: L.C., et al.

5 vs. State of California, County of San Bernardino

6

7 DECLARATION UNDER PENALTY OF PERJURY

8

9 I declare under penalty of perjury
10 that I have read the entire transcript of
11 my Deposition taken in the captioned matter
12 or the same has been read to me, and
13 the same is true and accurate, save and
14 except for changes and/or corrections, if
15 any, as indicated by me on the DEPOSITION
16 ERRATA SHEET hereof, with the understanding
17 that I offer these changes as if still under
18 oath.

19 Signed on the _____ day of
20 _____, 2025.

21

22 _____

23

ROGER CLARK

24

25